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16   **UNITED STATES DISTRICT COURT**

17   **NORTHERN DISTRICT OF CALIFORNIA**

18   **OAKLAND DIVISION**

19   Case No. 4:20-cv-05640-YGR-TSH

20

21 EPIC GAMES, INC.,

22   Plaintiff, Counter-defendant,   **DECLARATION OF SAMUEL A.**
                                                   STUCKEY IN SUPPORT OF EPIC
                        v.   **GAMES, INC.'S**
23 APPLE INC.,   **ADMINISTRATIVE MOTION TO**
                                                   FILE UNDER SEAL EXHIBITS TO
24   Defendant, Counterclaimant.   **ITS ADMINISTRATIVE MOTION**
                                                   FOR LEAVE TO FILE SUR-REPLY
25   **IN RESPONSE TO APPLE'S**
                                                   REPLY IN SUPPORT OF ITS
26   **MOTION TO STRIKE WRITTEN**
                                                   AND ORAL TESTIMONY OF DR.
27   **MICHAEL I. CRAGG**

                                                   The Honorable Yvonne Gonzalez Rogers
28

I, Samuel A. Stuckey, declare as follows:

1.	I am an attorney licensed to practice in the State of New York and admitted to appear before this Court *pro hac vice* in *Epic Games, Inc. v. Apple Inc.*, Case No. 4:20-cv-05640-YGR-TSH. I am an associate at the law firm of Cravath, Swaine & Moore LLP and am one of the attorneys representing Epic Games, Inc. ("Epic") in the above-captioned action.

2.	I submit this declaration pursuant to Civil Local Rules 7-11(a) and 79-5(d)-(e) in support of Epic's Administrative Motion to File Under Seal Exhibits to Its Administrative Motion for Leave To File Sur-Reply in Response to Apple's Reply in Support of Its Motion to Strike Written and Oral Testimony of Dr. Michael I. Cragg ("Administrative Motion for Leave to File Sur-Reply"). The contents of this declaration are based on my personal knowledge.

3.	Epic moves to seal certain exhibits to its Administrative Motion for Leave to File Sur-Reply containing information that non-party Spotify USA Inc. ("Spotify") has designated as "SPOTIFY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY" under the supplemental protective order entered in the above-captioned case. Specifically, Epic moves to seal: (i) the portions of its Sur-Reply that reference PX-1152 (bearing Bates range SPOT-EPIC-00000932-0943) and PX-1153 (bearing Bates range SPOT-EPIC-00001023-1025), which are subject to pending motions to seal by Spotify (*see* ECF Nos. 638 and 649, respectively), as well as the document bearing Bates range SPOT-EPIC-00001047-1066, which is also subject to a pending motion to seal by Spotify (*see* ECF No. 692); (ii) the portions of its Sur-Reply that reference the trial testimony provided by Dr. Cragg during a closed session of Court on May 13, 2021 (Trial Tr. 2335:1-2346:15), during which Dr. Cragg referenced the aforementioned documents; and (iii) the document bearing Bates range SPOT-EPIC-00001047-1066 itself, which is attached as Exhibit A to the Declaration of Yonatan Even in Support of Epic's Sur-Reply, and which, as noted, is subject to a pending motion to seal by Spotify (*see* ECF No. 692).

1   Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is

2   true and correct and that I executed this declaration on May 18, 2021, in Manhattan, New York.

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5   */s/ Samuel A. Stuckey*
                                       Samuel A. Stuckey

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FILING ATTESTATION

   I, Yonatan Even, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that I have on file all holographic signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-filed document.

              /s/ Yonatan Even
              Yonatan Even